

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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KIMBERLY BOWMAN,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Andrew D. Downing, Hennelly & Steadman, P.C., Phoenix, AZ, for Petitioner;
Gordon E. Shemin, United States Dep't of Justice, Washington, DC, for
Respondent.

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No. 13-807V

Special Master Christian J. Moran

Filed: June 17, 2014

Stipulation; influenza ("flu")
vaccine; shoulder injury related to
vaccine administration ("SIRVA").

UNPUBLISHED RULING FINDING ENTITLEMENT¹

On October 17, 2013, Kimberly Bowman sought compensation for tendonitis in her left shoulder, resulting from the administration of the influenza ("flu") vaccination on October 20, 2010. Ms. Bowman seeks compensation pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 *et seq.* (2006).

In the Rule 4 (c) report, respondent stated that Ms. Bowman's claim is compensable under the Act. Respondent stated that the Division of Vaccine Injury Compensation, Department of Health and Human Services, has reviewed the facts of this case and have concluded that "petitioner's alleged injury is consistent with a shoulder injury related to vaccine administration ("SIRVA") and that it was caused in fact by the flu vaccine she received on October 20, 2010." Resp't's Rep., filed June 17, 2014, at 3. Respondent further states that "based on the record as it now

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

stands, petitioner has satisfied all legal prerequisites for compensation under the Act.” Id. at 4.

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that petitioner has established that she is entitled to compensation for her injuries.

Accordingly, Ms. Bowman is entitled to compensation. A status conference **REMAINS** set for **Wednesday, July 9, 2014 at 2:30 P.M. Eastern Time** to discuss the process for quantifying the amount of damages to which Ms. Bowman is entitled.

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master